

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 33246 of 2007(G)

PETITIONER:

**M/S.VIGNESWARA OXYGEN PRIVATE LTD.,
HAVING ITS REGD. OFFICE AT IIND FLOOR RAM
MEENA BUILDINGS, S.A.ROAD, VALANJAMBALAM,
COCHIN - 16, REPRESENTED BY ITS DIRECTOR.**

BY ADV. SRI.P.GOPINATH

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
CHENGAMANAD.**
- 3. THE TAHSILDAR, ALUVA.**
- 4. THE VILLAGE OFFICER, NEDUMBASSERY.**

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

S. SIRI JAGAN, J.

W.P.(C)No.33246 OF 2007

Dated this the 22nd day of November, 2007

JUDGMENT

The petitioner is challenging criminal proceedings initiated by the respondents for unauthorisedly cutting down trees in Government land, in which permission has been granted to the petitioner to temporarily occupy the same for the purpose of their business. By Ext.P1 judgment, there is also a direction by this Court to the Revenue authorities to consider the petitioner's application for assignment. The petitioner's contention is that their action in cutting down the trees was only for preventing danger to their establishment and also to the public and not to destroy the trees.

2. In the above circumstances, they have filed Ext.P2 application before the District Collector. They expect favourable orders from the District Collector on Ext.P2. Their apprehension is that meanwhile the Managing Director and officers of the petitioner establishment would be arrested pursuant to criminal proceedings. The petitioner submits that they may not be

arrested till the District Collector passes orders on Ext.P2.

3. I have heard the learned Government pleader also. In the facts and circumstances of the case, there would be a direction to the District Collector to pass expeditious orders on Ext.P2. Till orders are so passed, the Managing Director and the officers of the petitioner Company shall not be arrested. However, the investigation and other proceedings can go on. Further action in the criminal proceedings shall be in accordance with the orders to be passed by the District Collector on Ext.P2.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd

